

March 24, 2004

Mr. Dave Bicknese, Chairperson
Box 577
Riverdale ND 58565-0077

Dear Mr. Bicknese:

The North Dakota Department of Public Instruction (NDDPI) Office of Special Education conducted a Verification Review in the Oliver Mercer Special Education Unit during December of 2003, for the purpose of assessing compliance in the implementation of the Individuals with Disabilities Education Act (IDEA). During February and March of 2004, the NDDPI assisted your Unit in developing strategies to improve results for children with disabilities. The IDEA Amendments of 1997 focus on "access to services" as well as "improving results for children and youth with disabilities". In the same way, the Continuous Improvement Monitoring Process implemented by NDDPI is designed to focus federal, state, and local resources on improved results for children with disabilities and their families through a working partnership among NDDPI, the Oliver Mercer Special Education Unit, parents and stakeholders.

In conducting its review of the Oliver Mercer Special Education Unit, NDDPI applied the standards set forth in the IDEA '97 statute and Part B regulations (34 CFR Part 300), as they were in effect at the time of the review. On March 12, 1999, the United States Department of Education published new final Part B regulations that took effect on May 11, 1999. In planning and implementing improvement strategies to address the findings in this report, the Oliver Mercer Special Education Unit should ensure that all improvement strategies are consistent with the final regulations.

The enclosed report addresses strengths noted during the review, areas that require corrective action because they represent noncompliance with the requirements of the IDEA, and suggestions for improvements that will lead to best practice. Enclosed you will find an *Executive Summary* of the Report, an *Introduction* including background information, and a *description* of issues and findings. NDDPI will work with you to develop corrective actions and improvement strategies to ensure improved results for children with disabilities.

Thank you for the assistance and cooperation provided by the Oliver Mercer Special Education staff and Self-Assessment team members during our review. Throughout the course of the review, Barry Chatham, Director of Special Education, was responsive to requests for information and assistance from NDDPI personnel.

Thank you for the continued efforts toward the goal of achieving better results for children and youth with disabilities in North Dakota. Since the enactment of IDEA and its predecessor, the Education of All Handicapped Children Act, one of the basic goals of the law ensuring that children with disabilities are not excluded from school, has largely been achieved.

Today, families can have a positive vision for their child's future.

While schools have made great progress, significant challenges remain. Now that children with disabilities are receiving services, the critical issue is to place greater emphasis on attaining better results. To that end, we look forward to working in partnership with the Oliver Mercer Special Education Unit to continue to improve the lives of individuals with disabilities.

Sincerely,

Robert C. Rutten
Director of Special Education

Cc: Barry Chathams, Director
Oliver Mercer Special Education Unit

Enclosure

EXECUTIVE SUMMARY

OLIVER MERCER SPECIAL EDUCATION UNIT

The attached report contains results of the Collaborative Review and Verification Review phases of the North Dakota Continuous Improvement Monitoring of the Individuals with Disabilities Education Act (IDEA), Part B, in the Oliver Mercer Special Education Unit. The process is designed to focus resources on improving results for children with disabilities and their families through enhanced partnerships between the North Dakota Department of Public Instruction (NDDPI), the Oliver Mercer Special Education Unit, parents, and stakeholders.

Monitoring Activities

Several means were used in the monitoring process to gather data, review procedures, and determine the extent to which the Oliver Mercer Special Education Unit is in compliance with federal and state regulations.

The Collaborative Review phase of the monitoring process included the completion of a *Self-Assessment* by a Steering Committee comprised of administrators, general and special education personnel, and the unit director. Special education teachers assisted the steering committee by providing additional input and consultation throughout the process, including the file review activities. School district and special education unit policies and procedures were reviewed, student IEPs were evaluated, five stakeholder groups were surveyed, and protocols were established for evaluating and sharing the appropriate outcomes information. Data collected for the collaborative review process was compiled from a variety of sources and included a synthesis of the quantitative and qualitative data specific to the six principles of IDEA.

The Steering Committee that facilitated the Collaborative Review Process completed the following Self-Assessment activities:

1. Perceptual surveys were administered to five distinct populations; administrators, special education personnel, regular education personnel, students, and parents. The NDDPI provided the survey model. A combined total of 399 surveys were collected and analyzed.
 - a. Thirteen school administrator surveys were collected and analyzed. Considering the survey's twenty questions, the highest level of positive agreement was 100% and was found in thirteen of the twenty questions. The lowest level of positive agreement was found in one question and was 81%.
 - b. Special education personnel returned twenty completed surveys. The highest level of positive response to the twenty questions was 100% and found in seven of the questions. One question had the lowest level of positive response at 33%; however, the majority of the special education staff responding found this question not applicable.
 - c. 132 regular education staff returned surveys. The highest positive response was 98% found in one question, while the lowest positive response was 25% found in one question.

- d. Students returned 123 completed surveys each containing eleven questions. The highest level of positive response to the eleven questions was 97% in one question. The lowest positive response was 74% and similarly found in one question.
 - e. 111 parents completed surveys containing sixteen questions. Eight of the thirteen questions had a 100% positive response, while one question had the lowest positive response at 86%.
2. Special education student files were reviewed for compliance with the IDEA regulations for procedural safeguards, student assessment, IEP development, utilizing the form provided in the NDDPI document *Special Education Monitoring Manual: Collaborative Review Process*. A total of 64 files were reviewed for procedural safeguards, 82 files for student assessment, and 149 files were reviewed for appropriate IEP development.
 3. The files of nine special education students ages 14 to 21 were reviewed to specifically determine compliance with federal and state requirements related to transition issues. Files were reviewed using the DPI Transition Checklist.
 4. Compliance worksheets were completed and the results analyzed for four components; procedural safeguards, student assessment, IEP development, and transition processes.
 5. Programmatic issues were analyzed to ensure that comprehensive and accurate information was used to identify issues necessary for the design of the unit improvement plan.
 6. The 1997 Oliver Mercer monitoring report was reviewed for past compliance issues and updates were provided.

The Verification Review was conducted by NDDPI personnel during December 9-11 of 2003, with final file reviews concluding on December 19, 2003. This review included an examination of the data collected by the Self-Assessment Steering Committee. The on-site visitation included an initial meeting with members from the Oliver Mercer Special Education Unit Self-Assessment Steering Committee and the North Dakota Department of Public Instruction (NDDPI) staff. The Verification Review included interviews with school administrators, general education teachers, special education teachers, and related service providers. Additionally, focused special education file reviews were conducted on the special education records of eighteen students following the compliance issues reported by the Special Education Unit Steering Committee in the Oliver Mercer Self-Assessment Report. The *Oliver Mercer Special Education Unit Policies and Procedures Manual* was reviewed to ensure that the revisions contained within the *1997 Reauthorization of the IDEA* were addressed in the unit's policy. Information obtained from these data sources was shared with Barry Chatham, Director, and other Steering Committee members in an exit meeting conducted on December 11, 2003.

The NDDPI staff members express their appreciation to the administrators, special education and general education teachers, students and parents, and other agency personnel in the Oliver Mercer Special Education Unit who participated in the monitoring activities. A special thank you is extended to the office support staff of the Oliver Mercer Special Education Unit Office in

Hazen for their utmost cooperation. The efforts of Barry Chatham and all staff members represent a commitment of time and energy without which the multipurpose task of monitoring could not be completed.

This report contains a description of the process utilized to collect data and to determine strengths, areas of noncompliance with the IDEA, and suggestions for improvements for fully realizing the six basic principles of the Individuals with Disabilities Education Act.

Education of Children and Youth with Disabilities
Part B of IDEA

Strengths

The North Dakota Department of Public Instruction (NDDPI) verified several strengths identified by the Oliver Mercer Special Education Unit Self-Assessment Committee. Additional strengths were observed by the NDDPI Monitoring Team during the Verification Review and the site visit.

- Special education teachers, parents, administrators, and general education teachers considered the support provided by Barry Chathams, Director of Special Education, as a significant strength in providing proactive leadership in a student-centered special educational program, while maintaining positive relations with parents, personnel, and the various communities.
- The quality and professional training of the special education teachers, general education administrators, and other staff members employed in the schools were observed to be strengths. The special education teachers were observed by the NDDPI Monitoring Team to be very professional, experienced, committed, and demonstrating a high level of dedication to improving the social and educational outcomes of students with disabilities. These observations were made across all school districts.
- Throughout the Unit, the Monitoring Team found high-quality professional relationships existing between and among general education instructors and special education instructors, while working on behalf of the total student population. This positive working relationship is illustrated within the collaborative process of providing quality programming within the general education environment.
- The Unit's Policy and Procedure Handbook provides a comprehensive set of policies and procedures to assist general and special education personnel in the delivery of a comprehensive special education program.
- The organization of the student files was excellent and increases the efficiency of use for all appropriate personnel.
- The Building Level Support Team (BLST), referred locally as the TAT Team is functioning as designed with particular strengths in identifying interventions by regular education teachers to improve student's academic outcomes. However, there is a lack of BLST documentation within the special education cumulative files.
- The Oliver Mercer Special Education Unit has excellent involvement from general education teachers during IEP meetings. Typically, all general education teachers, specific to the IEP being reviewed, attend the meeting.
- The Continuum of special education services available throughout the Oliver Mercer Special Education Unit is a significant strength, and even more so considering the size and rural attributes of the Unit.
- The vast majority of parents of students with disabilities surveyed by the Oliver Mercer Self-Assessment Committee are very pleased with services provided by the Oliver Mercer Special Education Unit.

Areas of Noncompliance

NDDPI observed the following areas of noncompliance:

- Three-year evaluations are not always completed in a timely manner.
- Inadequate assessment documentation relating to the Integrated Written Assessment Reports (IWAR). The IWAR was either not present or many of its component parts missing, including: findings from all sources, lack of assessment integration, determination of needed evaluation data, participation of parents in the review of the assessment findings, and the lack of classroom observation when evaluating children with Specific Learning Disabilities.
- Annual goals did not include a desired ending level of achievement and were not individualized to meet the needs of the individual student. The goals were often vague and at times missing some of the informational components.
- Documentation of the discussion and rationale for the determination of Extended School Year (ESY) is not adequate.
- Four of the ten transition component parts were found to be inadequate. Areas missing or not understood during the interview process include: post school outcomes, statement of transition services needs, statement of needed transition services, and agency collaboration.

OLIVER MERCER SPECIAL EDUCATION UNIT MONITORING REPORT
TABLE OF CONTENTS

Introduction.....	7
Background, Administrative Structures and Children Served	
Verification Review and Data Collection	
Improvement Planning	
I. Zero Reject.....	9
A. Strengths	
B. Suggestions for Improved Results for Children	
II. Nondiscriminatory Evaluation.....	11
A. Strength	
B. Areas of Noncompliance	
C. Suggestions for Improved Results for Children	
III. Free Appropriate Public Education.....	14
A. Strength	
B. Areas of Noncompliance	
D. Suggestions for Improved Results for Children	
IV. Least Restrictive Environment.....	21
A. Strengths	
B. Suggestions for Improved Results for Children	
V. Parent Involvement.....	24
A. Suggestions for Improved Results for Children	
VI. Procedural Safeguards.....	26
A. Strength	
B. Suggestions for Improved Results for Children	

INTRODUCTION

Background, Administrative Structures, and Children Served: The Oliver Mercer Special Education Unit is an independent special education unit located in the west-central part of North Dakota. The unit serves the following six school districts: Beulah, Center, Dodge, Golden Valley, Hazen, and Stanton. Special education students comprise 14.6% of the Unit's total student population as of December 1, 2003. The total average daily membership (ADM) for the six schools districts was 1,980, while the identified special education population was 291 on December 1, 2003.

The Oliver Mercer Special Education Unit has a professional staff of twenty-seven professionals supervised by the Director. Special education teachers and paraprofessionals are employed by the Unit. The special education staff consists of a director, business manager, school psychologist, five EMH teachers, three LD/EMH teachers, one LD/ED teacher, six LD teachers, three speech therapists, a work experience coordinator, two certified occupational therapy assistants, a physical therapy assistant, an early childhood special education teacher, one hearing/speech/technology instructor, and an appropriate number of paraprofessionals.

Verification Review and Data Collection: The Oliver Mercer Special Education Unit began the Collaborative Review Process in October of 2002 by attending the statewide training session held in Bismarck, ND. The initial meeting of the Unit's Steering Committee occurred on November 13, 2002. The Self-Assessment Report was submitted to NDDPI in October of 2003. The Self-Assessment Report included the data and analysis of student record reviews, survey information, program quality indicators, and an initial Improvement Plan Worksheet.

The North Dakota Department of Public Instruction (NDDPI) conducted a Verification Review Site visit to the Oliver Mercer Special Education Unit on December 9-11, 2003. The NDDPI conducted the site review to validate the Oliver Mercer Special Education Unit's Self-Assessment. On December 9, 2003, NDDPI staff members met with Barry Chathams, Director of the Special Education Unit, and the Unit's Self-Assessment Steering Committee to review and discuss the Self-Assessment Report. NDDPI visited eight public school buildings served by the Oliver Mercer Special Education Unit. Student record reviews of the files for seventeen students were completed in the central office, and three additional files were reviewed to confirm or deny original findings. The student file reviews consisted of a review of the Individualized Education Programs (IEPs), Integrated Written Assessment Reports (IWARs), and procedural safeguards documentation. A total of twelve in-depth interviews were conducted, including two with administrators and ten with special education staff. Additionally, there were four limited interviews conducted with general education staff members who teach children with disabilities in their classrooms. Preliminary results and findings of the Verification Review Visit were presented to the Self-Assessment Steering Committee in a summary meeting on December 11, 2003.

Improvement Planning: In response to this report, the Oliver Mercer Special Education Unit will develop an action plan including specific *Improvement Strategies* addressing areas identified as noncompliant, within 60 days of receipt of this report. The NDDPI Special Education Regional Coordinator assigned to the Oliver Mercer Special Education Unit will serve as a resource for improvement planning purposes, and will respond in writing to indicate approval of the

Improvement Strategies submitted by the Unit. If needed, the regional coordinator may be contacted for suggested formats to be used for the development and documentation of the Improvement Strategies.

It should be noted that, as a general rule, noncompliance is cited when a violation is found in fifteen percent (15%) or more of the student files or other data reviewed. However, some violations are considered so serious as to be cited if even one incident is noted. Violations of this nature include, for example; not conducting an assessment before placement, lack of evidence of parent consent, or other critical information that must be maintained in a student's file.

Suggestions for improved results for children do not require a formal response. However, the NDDPI encourages the Oliver Mercer Special Education Unit to consider the suggestions for further study and improvement planning as a means of strengthening the system of services to children with disabilities.

Preliminary recommendations for improvement planning were submitted to the NDDPI as a part of the Self-Assessment process. The Oliver Mercer Special Education Unit director is encouraged to continue refinement of improvement planning strategies and action steps as a logical next step in the Continuous Improvement Monitoring Process.

Report Organization

The remainder of this report presents information in each of six areas, which reflect the six principles of the Individuals with Disabilities Education Act (IDEA). They are zero reject, nondiscriminatory evaluation, free appropriate public education, least restrictive environment, parent involvement, and procedural safeguards. Each section describes strengths and concerns identified in the Oliver Mercer Special Education Unit Self-Assessment Report, areas of strength identified by the NDDPI Verification Review Team through interviews and student files reviews, and other sources; areas of noncompliance; and suggestions for improved results for children.

I. ZERO REJECT

All children with disabilities must be provided with a free appropriate public education (FAPE). All children with disabilities, and who are in need of special education and related services, must be identified, located, and evaluated.

The Oliver Mercer Special Education Unit provides free appropriate public education to all children with disabilities between the ages of 3 and 21. The unit has proactive programs in place to locate and identify students with disabilities, to provide appropriate services and transitions for those students, and to keep students with disabilities in school until they exit through graduation.

Child Find activities are reported in the Oliver Mercer Special Education Unit Self-Assessment Report and include a public awareness campaign that is carried out to generate increased community awareness of special education programs, parent and students' rights, and the need for the early identification and services to children with disabilities. Activities carried out within the Oliver Mercer Special Education Unit include: (1) preschool selective screening; (2) in-school screening procedures; (3) procedures for addressing potential school dropouts; (4) ongoing in-service training to school personnel, parents, agency representatives, and organizations regarding Child Find activities; (5) coordination and cooperation with other agencies; and (6) transition planning with personnel from the Infant Development Programs in Bismarck.

Planning for the transition from school to post-school environments begins at age 14 and includes the provision of specialized activities and services. Personnel from the Oliver Mercer Special Education Unit collaborate with multiple programs for adult services throughout the state. Typically, during the spring of the student's junior year, the Unit provides transportation for parents and students to various residential and independent living facilities, as well as many post secondary educational institutions.

The Oliver Mercer Special Education Unit employs one school psychologist and one certified ED instructor. Both have training in designing and implementing behavioral interventions. The Oliver Mercer Special Education Unit strives to identify and support students who are at-risk for dropping out. The Unit utilizes a Referral/Assistance Process for all students, which is designed to address alcohol and chemical issues, academic problems, behavioral issues, ADHD, section 504, and crisis management. The personnel make-up of this team includes administrators, regular education staff, special education staff, counselors, social workers, and periodically participants from the medical community and mental health agencies.

The Oliver Mercer Special Education Unit adheres to state and federal guidelines with respect to suspension and expulsion. If the school district personnel suspect a disability, a referral is made for an evaluation. The policy and procedures governing suspension and expulsion are found in the unit's policy handbook. Each individual school district included suspension information in their Student Handbook, however, only one school district included expulsion information. There were no students with disabilities suspended for more than 10 days or placed in an Interim Alternative Educational Setting during the last four academic school years.

An analysis of the percentages of students served under each disability category indicated that the Oliver Mercer Special Education Unit is fairly consistent with the state and national averages across disability categories. The school districts encompassing the Oliver Mercer Special Education Unit served a total of 1,980 students during the 2003-2004 academic year. The total number of students with disabilities in the special education unit on December 1, 2003, was 291. Approximately 14.6% of the student population in the unit is comprised of students with identified disabilities.

In surveys conducted as part of the Oliver Mercer Self-Assessment process, general and special education teachers, and administrators were asked if their school had sufficient pre-referral interventions and support services available to maintain at-risk students within the general education program. The results indicated that 81% of the general educators, 83% of the special educators, and 100% of the administrators who completed the survey agreed with that statement. When asked whether they agreed or disagreed with the statement "before their child was referred for special education services, other options within general education were tried or considered," 90% of parents completing the survey agreed with the statement.

Interviews conducted with general and special education staff, and administrators indicated that the BLST process is used consistently in all schools. The responses during the interviews ranged from the BLST process was working "ok" to the greater number of responses suggesting the process was working "good". However, it should be noted that two principals discussed a desire for more parent input. When queried on this response, one teacher stated, "We would like more parent involvement, but it seems that most parents trust us with providing what is best for their children". The BLST process typically does not include the special education staff until the lack of success with interventions suggests a potential need for a special education referral.

The NDDPI initially reviewed seventeen files during the Verification Visit and an additional three files at a later date for BLST documentation. Often, it was found that there was a lack of documentation of the BLST process in student files. However, it must be noted that parent survey input and the interview process supported the fact that the BLST process was working as designed and that adequate interventions were taking place prior to any referrals to special education testing.

NDDPI reviewed and analyzed the data and identified the following strengths and suggestions for improvement.

STRENGTHS

Utilization of prior interventions is a significant strength for the school districts participating in the Oliver Mercer Special Education Unit. Each school building utilizes a building level support team process and other collaborative teaming processes between general education and special education. The team processes are well established and appear to serve the intended purposes in a very meaningful and valid manner.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

The Oliver Mercer Special Education Unit is encouraged to expand their current internal monitoring procedures to include additional personnel in examining documentation of pre-referral intervention, referral processes, including parent involvement, appropriate development of IWAR, and the comprehensiveness given to the additional criteria for SLD.

The Building Level Support Team process is functioning well, however, better documentation of the process is needed, including types of interventions attempted.

II. NONDISCRIMINATORY EVALUATION

Any child with a suspected disability must receive a full, individualized evaluation, which meets specific standards, and includes information from a variety of sources.

The Oliver Mercer Special Education Unit requires assessment to be completed in a nondiscriminatory manner. The assessment process includes the areas of planning with parents and teachers, conducting the evaluation, and determining appropriate services after a student is found to be eligible for special education under IDEA. Assessment is conducted in consideration of environmental, social, cultural, economic, and sensory factors in order not to be racially or culturally discriminatory. Policies and procedures relative to the Nondiscriminatory Evaluation process are contained in the *Oliver Mercer Special Education Unit's Policies and Procedures Manual*. The changes in the reevaluation process outlined in the 1997 Reauthorization of the IDEA are addressed in the *Oliver Mercer Special Education Unit's Eligibility Document* and was approved by the North Dakota Department of Public Instruction, Office of Special Education on January 4, 2001.

The Oliver Mercer Special Education Unit has adopted the *Special Education in North Dakota Guidelines: Evaluation Process* (1999) for use in conducting and documenting the evaluation process. Parents are notified and involved when an assessment plan is being written and when a meeting is scheduled to write the Integrated Written Assessment Report.

The Oliver Mercer Special Education Unit's Self-Assessment Team conducted file reviews on the assessment reports for eighty-two students with disabilities and identified 13 out of 22 areas that were at an 85% compliance level or higher. These areas included:

- One hundred percent (100%) of the files contained documentation of a current evaluation.
- Ninety-eight percent (98%) contained documentation of a consent for evaluation form in the file for an initial evaluation or a reevaluation.
- Ninety-six percent (96%) contained documentation that an evaluation was completed prior to the initial placement in special education.
- Ninety-nine percent (99%) contained documentation that a reevaluation, or verification by a multidisciplinary team that no additional information is needed, had been conducted every three years.
- One hundred percent (100%) of the files were rated as being comprehensive for assessing students in all areas of suspected disability.
- One hundred percent (100%) of the files documented that an assessment was conducted prior to determining that the student is no longer a student with a disability.

Components of the evaluation process that were found to be less than 85% compliance consisted of the following:

- Eighty percent (80%) contained documentation that parents had received prior notice to attend the assessment planning meeting.
- Thirty-five percent (35%) of the files documented parent involvement in assessment planning.
- Fifty percent (50%) contained an Integrated Written Assessment Report.

There are additional components of the evaluation process for students classified as learning disabled. Areas within the Integrated Written Assessment Report that reach compliance above 85% include the following:

- Ninety-two percent (92%) of the files identified as learning disabled in one of seven areas.
- One hundred percent (100%) of the files documented discrepancy not attributable to other causes (sensory, other disabilities).
- One hundred percent (100%) of the files addresses educationally relevant medical findings.
- One hundred percent (100%) of the files addresses effects of disadvantages (economic, cultural, and environmental).

The components of the evaluation process for students classified as learning disabled, which fall below 85% compliance, are:

- Eighty percent (80%) contained documentation for initial assessment, instruction provided was appropriate to age and ability.
- Sixty percent (60%) of the files had a basis for determination of learning disabilities.
- Fifty-six percent (56%) of the files documented observations done in the classroom.
- Thirty-six percent (36%) of the files documented relationship between observation and academic functioning.
- Thirty-six percent (36%) of the files documented discrepancy between ability and achievement.

The NDDPI Monitoring Team reviewed the files of eight students, five of which were diagnosed with Specific Learning Disabilities (SLD). The intent of the review was to verify the findings of the unit's self study, particularly in two areas, the Integrated Written Assessment Report and the additional requirements necessary for the documentation of the specific learning disability. Many of the standards reviewed in this section were found to be below 85% compliance including the following, respectively:

- IWAR was prepared 38%,
- Findings from all sources 25%,
- Integrated assessment data 13%,
- Input from other team members & all other current and relevant data 25%,
- Written in an understandable manner for parents and others 13%,
- Determination of the child's disability 50%,
- Evidence of BLST procedures prior to evaluation 40%,
- Classroom observation by other than regular teacher 40%,
- Statement that the team found that the discrepancy was not due to various components ranged from 40% to 60%.

NDDPI reviewed and analyzed the data and identified the following strengths, areas of noncompliance, and suggestions for improvement.

STRENGTH

The Unit's Handbook provides a comprehensive set of forms and procedures to assist general and special education personnel in the referral and assessment process.

AREAS OF NONCOMPLIANCE

Reevaluation

34 CFR 300.536 Each public agency shall ensure- (a) That the IEP of each child with a disability is reviewed in accordance with 300.340-300.350; and (b) That a reevaluation of each child, in accordance with 300.532-300.535, is conducted if conditions warrant a reevaluation, or if the child's parent or teacher requests a reevaluation, but at least once every three years.

The Oliver Mercer Special Education Unit's Self-Assessment Team determined that 81 out of 82 reevaluations had been conducted within the three-year time limit. The NDDPI Monitoring Team, however, found 2 out of 15 files to be out of compliance. This is an area where even one late evaluation causes noncompliance.

34.CFR Sections 300.532, 300.534, 300.535, and 300.542

These sections define the evaluation procedures, as well as the various component parts that must be included in the evaluation process. These sections were used by NDDPI to establish the IWAR process. Thus, as part of the assessment, the multidisciplinary team completes an Integrated Written Assessment Report, (IWAR). The IWAR integrates findings from all sources including: parent information, to assure that all current and relevant data have been gathered and reviewed to make disability determination decisions. It needs to be written in a manner that is understandable to parents and other professionals; it should not reiterate test scores that are not meaningful to parents or others.

The Oliver Mercer Self-Assessment Team found IWARs in 50% of the student files reviewed. The NDDPI team found IWARs in 38% of the student files reviewed. Additionally, during the interviews conducted by NDDPI, a number of teachers requested additional training on IWAR and the evaluation process.

Additional Requirements for Evaluating Children with Specific Learning Disabilities

34 CFR 300.540-300.543 describe the additional requirements the district must follow when evaluating a child with specific learning disabilities (SLD). Professionals responsible for providing services for SLD students were interviewed regarding the additional SLD requirements. Two of seven SLD teachers interviewed by the NDDPI team did not seem to be aware of the additional SLD requirements. Additionally, the NDDPI Team confirmed the Unit's Self Assessment team findings in the area of additional evaluation requirements specific to SLD.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

The Oliver Mercer Self-Assessment Report identified a need to improve the area of documenting the various components required of a comprehensive assessment for each student suspected of having a disability.

The Oliver Mercer Special Education Unit's Self-Assessment Team has identified a need for additional training for all teachers in the area of evaluation procedures. It is recommended that all appropriate personnel in the Unit review the NDDPI state recommended *Guidelines: Evaluation Process*. Because of inconsistencies observed across several additional areas of the Assessment Process, the NDDPI Monitoring Team concurs with this recommendation.

It is further recommended by the NDDPI Monitoring Team that the current internal monitoring process should be expanded beyond the unit director to include additional Oliver Mercer staff. The review of student files should be strengthened to address evaluation concerns identified in the report. Periodic review of the assessment plans, parent prior notices, parent consent for evaluations, parent participation, and completed Integrated Written Assessment Reports, will assist the administrator of the unit to identify specific training needs in the area of assessment. The high level of reliability observed between the Oliver Mercer Special Education Unit and the NDDPI monitoring team indicates that the results from the unit's internal monitoring procedure are valid measures of teacher performance and targeted areas of need.

III. FREE APPROPRIATE PUBLIC EDUCATION

CFR 300.344 An IEP team, which includes the child's teacher, the child's parent(s), an administrator, and a special education teacher must develop an educational program tailored to meet the child's unique needs.

All students with disabilities have ongoing access to the general education curriculum. Oliver Mercer collaborates with the special education staff employed by the six school districts to ensure that FAPE is provided to each child with a disability. A full continuum of program options is available including: student participation in the general education classroom and participation in portions of traditional classroom instruction, elective classes, and specific projects being carried out in classrooms. These services within the general education setting are supplemented with resource room special education services, supplemental training, related services, and alternative curriculum when appropriate.

The Oliver Mercer Self-Assessment Report identified 20 out of 20 areas of compliance with FAPE regulations at the 85% compliance level or higher. Areas identified with appropriate compliance consisted of:

- Prior Notice provided to parents 100%,
- Effective dates of IEP 99%,
- Primary disability listed on the IEP 100%,
- Parent present at meeting 98%,
- All required team members in attendance 99%,

- Reviewed every 12 months 100%,
- Present levels of educational performance meet criteria 100%,
- Annual goals are present and reflect the Present Level of Educational Performance 97%,
- Short-term instructional objectives are measurable 98%,
- Characteristics of services include participation in general education 97%,
- Progress reporting to parents 96%,
- Adaptations of education services are included 97%,
- Participation in district and state assessment is included 95%,
- Positive behavior intervention strategies are included 99%,
- Physical education is addressed 97%,
- Participation in academic and nonacademic activities is addressed 91%,
- LRE justification 94%,
- Special education and related services 99%,
- Extended school year 100%,
- Assistive Technology 97%.

When surveyed by the Oliver Mercer Special Education Unit Self-Assessment Committee, educators agreed with the statement "Students with disabilities in special classes are provided with similar content area curriculum as that taught to students who do not have disabilities of the same age/grade" in 100% of the responses of special education teachers and 91% of the responses from general education teachers. Parents agreed with the statement "My child is regularly involved with students who do not have disabilities in school activities such as clubs, sports, field trips, and assemblies" in 100% of the cases. Of the students who responded to the survey, 100% agreed with the statement "I am satisfied with the educational services I am receiving". One hundred percent (100%) of parents felt that their child had the adaptive equipment needed to participate in his or her education program. And finally, 98% of the parents stated that they were "satisfied with the special education services provided to [their] child".

Students with disabilities are reported to have equal access to and opportunities to participate in extracurricular activities to the extent appropriate. One hundred percent (100%) of parents and 98% of general education staff responding indicated that the opportunity to participate in all school activities is available to students with disabilities. However, only 73% of the students responding agreed with the item on the student survey "I have received encouragement to be involved in extracurricular activities".

When students were asked if "Teachers set challenging goals and have high expectations for me," 90% of the students agreed with the statement. Ninety-six percent (96%) of the parents agreed with a similar statement "Teachers set challenging goals and have high expectations for my child." Parents agreed with a similar item "I believe that my child is being taught similar grade level curriculum as that being taught to students who do not have disabilities of the same age/grade" in 99% of the cases.

The NDDPI reviewed eight IEPs and consistently found quality Present Levels of Educational Performance (PLEP). It was further evident that the PLEP was consistently used to develop goals and objectives.

Specific analysis of the component parts of goals and objectives, respectively found in the eight student files follows:

- Behavior or skill 100%,
- Desired ending level of achievement 63%,
- Intent or purpose 100%,
- Have basis in PLEP 100%,
- Reasonably attainable within 1 year 88%,
- Goals are individualized 63%,
- Conditions/circumstances under which behavior is to be performed 88%,
- Specific behaviors 100%,
- Criteria for attainment 100%,
- Evaluation procedures 75%,
- Scheduled for determining if objectives are met 100%,
- Are sequential 100%,
- STO's are individualized 88%.

Most teachers during the interview process understood and were able to describe the component parts of the goals and objectives and their relationship to the PLEP. However, two teachers did state that they would like further training in goal writing.

As noted earlier, the Oliver Mercer Self-Assessment Team, during their file reviews, found 100% compliance in the area of Extended School Year. However, of the eight files reviewed for ESY by the NDDPI monitors, only four had sufficient documentation in the justification section. Additionally, the NDDPI monitors interviewed twelve teachers and/or administrators and found a mixed response. Typical responses to the ESY question include the following:

- Not available in my school (administrator),
- Does not exist,
- Parents are requesting but we have not been able to show regression,
- Two MR students receive ESY,
- No, I don't know what it is,
- We have only summer school,
- Probably just in MR, it is a concern.

During the 2001-2002 and 2002-2003 school year, the Oliver Mercer Special Education Unit had as its number one goal, "to restructure the entire transition/school to work process around career planning for regular and special populations". The major objectives were to: (1) integrate local vocational plans to accommodate all students, (2) provide continual and increasing job shadowing and structured work experiences, and (3) ensure that work experiences provide adequate opportunities to match vocational interest of students. Planning for the transition from school to post-school environments begins at age 14 and includes the provision of specialized activities and services.

During each spring, a year or two prior to graduation, the Unit provides opportunities for parents and students to explore the various residential and independent living options available throughout the State, as well as post-school training and/or work prospects.

The Oliver Mercer Self-Assessment Team reviewed the files for 9 students, ages 14 and older. The structured review of transition files indicated compliance rates of 85% or higher in eight out of thirty-four areas of transition planning. Areas identified by the Oliver Mercer Self-Assessment Team as being in compliance consisted of:

- Did the case manager invite the student 94%,
- Did the parent notice indicate the date, time, location of the meeting and who will be invited 94%,
- Did the parent notice inform the parents that they may invite other individuals who have knowledge or special expertise regarding their child 91%,
- Does the IEP include current information relevant to the Present Level of Educational Performance in the areas of jobs/job training 89%,
- Does the IEP include current information relevant to the Present Level of Educational Performance in the areas of recreation & leisure 89%,
- Does the IEP include current information relevant to the Present Level of Educational Performance in the areas of independent living 89%,
- Are the transition requirements in the IEP reviewed and updated at least annually 94%,
- Did the LEA provide prior written notice that graduation from high school with a regular diploma constitutes a change in placement and that the high school student is no longer entitled to Free Appropriate Public Education 100%.

The Oliver Mercer Self-Assessment Team found 26 of the 34 component parts of transition of student files to be out of compliance for 9 students, ages 14 and older. Areas identified by the Oliver Mercer Self-Assessment Team as being out of compliance consisted of:

- Did the student attend the IEP meeting 69%,
- If the student did not attend the IEP meeting, did the LEA take steps to ensure that the student's preferences and interests were considered and documented in the development of the IEP 82%,
- Will this student need involvement from any outside agency(ies) in order to make a successful transition 60%,
- If yes, did the LEA invite representative(s) of any other agency(ies) that is likely to be responsible for providing or paying for transition services 64%,
- If representative(s) from any other agency(ies) did not attend, did the LEA take other steps to obtain their participation in the planning of transition services 64%,
- Does the parent notice indicate that the LEA will invite the student 74%,
- Does the parent notice identify any other agency(ies) that will be invited to send a representative 47%,
- Does the IEP include current information relevant to the Present Level of Educational Performance in the areas of independent living 81%,
- Does the IEP include current information relevant to the Present Level of Educational Performance in the areas of post secondary 83%,
- Does the IEP include current information relevant to the Present Level of Educational Performance in the areas of related services 83%,
- For each student age 14-21, does the IEP include the section *Statement of Transition Services Needs* that specifies the student's courses of study that will be meaningful to the student's future and motivate the student to complete his or her high school education 24%,

- For each student age 16-21, does the IEP include the section *Statement of Needed Transition Services* 77%.
- Does the *Statement of Needed Transition Services* identify student needs for the duration of the high school years in the areas of:
 - Instruction 72%,
 - Community experiences 72%,
 - Employment 72%,
 - Related services 72%,
 - Adult living and post school opportunities 61%.

If appropriate:

- Daily living 65%,
- Functional vocational assessment 50%,
- Are the above activities in the *Statement of Needed Transition Services* presented as a coordinated set of needs/activities which promote movement from school to the student's desired post high school goals 63%?
- Does the IEP include the section *Agency Responsibility and Collaboration* listing all outside agency(ies) responsibilities and collaboration for the student while in and after high school to accomplish all sections of the *Statement of Needed Transition Services* 45%?
- Does the IEP include a section, statement or reference to another LEA form that at least one year before the student reaches the age of majority under ND state law, that the student have been informed of the rights under Part B that will transfer to him/her when he/she reaches the age of majority 37%?
- Did the participating agency from outside the school system provide the agreed upon transition services contained in the IEP 31%?
- If no, did the LEA initiate a meeting to identify alternative strategies to meet the transition objectives and if necessary, revise the IEP 6%?

Educators completing surveys agreed to the statement "Staff members in my building/program participate in the development and implementation of the transition IEP for students with disabilities age 14 and over" in 91% of all cases. General educators expressed agreement to the statement, "My school collaborates with community-based agencies to provide services to students with disabilities" in 91% of the cases, while special educators agreed at 94%. Several questions on the student survey related to transition topics. Ninety-five percent (95%) of students 14 years of age or older agreed with the statement, "they were asked to participate in the development of their IEP". Parents expressed agreement to the survey item, "Both my child and I have been involved in planning for transition to post-school experiences as part of the IEP development" in 100% of the cases.

The NDDPI reviewed ten student files for the thoroughness of the transition components. The NDDPI Team found a significant variation in thoroughness between and among the files of the seven case managers reviewed. Although sections were often completed, it was obvious that the case managers didn't understand the intent of the section and what type of information to put in that section to make transition pieces fit together and to give more information to the IEP team. It was difficult to understand how the disability affected transition for students. Additionally, many files were found with the same transition goal, thus not individualized. More specificity,

in areas such as: purpose of supports, length of support, anticipated goals and outcomes related to post-secondary, potential progressions to other jobs, will benefit the team when further preparing students for placement in the community for supported employment.

Seven teachers were specifically interviewed in the area of transition by the NDDPI monitors. Four of the seven interviewed suggested a need for additional training in the area of transition. The remaining three teachers interviewed felt at least somewhat competent in the area of transition.

Additionally, the Oliver Mercer Special Education Unit strives to identify and support students who are at-risk for dropping out. Student referrals are made to the Teacher Assistance Team (TAT) for the following issues: student academic concerns, alcohol and chemical use, inappropriate behavior, ADHD, and other crisis behaviors. If the school district personnel suspect a disability, a referral for assessment is made within an appropriate timeframe. The Unit employs one school psychologist and currently has one certified ED teacher in the system. The resource pool for the Teacher Assistance Team includes: administrators, counselors, special and regular education staff, social services personnel, social workers and the medical community.

The Oliver Mercer Special Education Unit adheres to state and federal guidelines with respect to suspension and expulsion. The policy and procedures governing suspension and expulsion are found in the Unit's Policy Handbook. It should be noted that there were no students with disabilities expelled or suspended for more than 10 school days this school year (2003-2004) or during any of the last four academic years.

The Oliver Mercer Special Education Unit has a designated Building Level Support Team, referred to as their TAT Team, in each school building. The TAT Team is designed, first and foremost, to identify instructional or curricular interventions on behalf of the general education teacher. The goal of each school's TAT Team is to increase the educational and behavioral outcomes of at-risk students struggling with mastering the content of the general curriculum.

In surveys conducted as part of the Oliver Mercer Self-Assessment Team, special and general education teachers, and administrators were asked if their school had "sufficient pre-referral interventions and support services available to maintain at-risk students within the general education program". The results indicated that 83% of the special educators, 81% of the general educators, and 100% of the administrators who completed the survey agreed with that statement. When asked whether they agreed or disagreed with the statement, "before their child was referred for special education services, other options within general education were tried or considered" 90% of parents completing the survey agreed with the statement.

Interviews conducted with general and special education staff, as well as administrators indicated that the TAT process is used consistently in the schools. The formality of the team process was reported to vary from structured teams that meet regularly to informal teams that are created to address specific issues that arise. Every school districts visited had a TAT Team in place. The NDDPI reviewed the files of 18 students on IEPs served through the Oliver Mercer Special Education Unit. A majority of the files reviewed did not contain documentation that prior interventions had been implemented with students in the general education setting prior to a referral for an evaluation. The lack of documentation was consistently attributed to the fact that

the TAT Team typically functions outside the special education environment. In most cases, special education personnel become team members for two reasons: (1) when they have unique knowledge specific to the question(s) discussed and (2) when the team begins to consider the potential need for special education assessment.

NDDPI reviewed and analyzed the data and identified the following: strengths, areas of noncompliance, and suggestions for improvement.

STRENGTHS

Utilization of TAT interventions is a significant strength for the school districts participating in the Oliver Mercer Special Education Unit. This strength was universally identified in the Unit's Self-Assessment, as well as during each of the interviews with general and special education teachers, as well as the administrators. The TAT process is well established and appears to serve the intended purposes in a very meaningful and valid manner.

AREAS OF NONCOMPLIANCE

Transition Services

34 CFR 300.347 Content of IEP (b) Transition Services. The IEP must include- (1) For each student with a disability beginning at age 14 (or younger if determined appropriate by the IEP team, and updated annually, a statement of the transition services needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study (such as participation in advanced-placement courses or a vocational education program); and (2) for each student beginning at age 16 (or younger if determined appropriate by the IEP team) a statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or any needed linkages.

NDDPI concurs with the noncompliance of secondary transition components identified in the Oliver Mercer Self-Assessment Report. Areas of noncompliance include:

- Procedural safeguards
- Present Level of Educational Performance
- Post School Outcomes
- Statement of Transition Service Needs
- Agency Collaboration and Responsibilities

Extended School Year Services

34 CFR 300.300 requires that a free appropriate public education be made available to all children with disabilities. In addition, *34 CFR 300.309* states that Extended School Year (ESY) services must be available as necessary in order to provide Free Appropriate Public Education to children with disabilities. The NDDPI Verification Review Team found documentation of ESY considerations for each student with a disability in 4 out of 8 IEPs, indicating 50% compliance. Concerns were also expressed to NDDPI monitors during the interviews with special education teachers about the depth of the knowledge that the teachers and administrators possess about the parameters of ESY requirements. Special education teachers and administrators who were interviewed expressed inconsistent knowledge of the standard and the implementation of the practice in the Oliver Mercer Special Education Unit. Misconceptions expressed included:

addressing only a single criterion (severe regression over the summer) having only general education programs available for students and making the decision based on a category of disability rather than addressing it individually for every student. It also appeared that the process for consideration of the need for Extended School Year (ESY) services was not being uniformly addressed across all school districts. Although the teachers expressed an awareness of the ESY requirement and expressed concerns that more of their students may be eligible, the teachers were uncertain about "who" qualifies and "why".

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

NDDPI Verification Review Team members identified IEP annual goals that did not contain the required components. There were two concerns identified in goal writing. Goals did not include adequate desired ending levels of achievement. Without an ending level of achievement, it becomes problematic attempting to determine when the goal has been met. In addition, goals that were not individualized based on the student's present level of educational performance. It is recommended the Oliver Mercer Special Education Unit consider focused internal monitoring to identify needs for training in the area of goal writing.

It is recommended that the TAT process incorporate a system that will document the history of the interventions attempted for each student ultimately identified with a special education disability. Additionally, data generated from the Unit's self-study suggested that seventeen percent of the special education instructors and nineteen percent of the general education instructors thought the process either did not have "sufficient interventions" in place, or that there was a lack of "support services available". This is contrary to the outcomes found during the interview process, as well as during other general conversations. It is recommended that the Unit examine the adequacy of "pre-referral interventions and support services available to keep at-risk students within the general education program".

IV. LEAST RESTRICTIVE ENVIRONMENT

To the maximum extent appropriate, children with disabilities must be educated with their non-disabled peers. Placement decisions must be based on the goals and objectives in the child's IEP.

The Oliver Mercer Special Education Unit abides by the federal rules and regulations regarding placement of students with disabilities in general education settings with non-disabled peers to the maximum extent possible. Individual student placement options are discussed and determined by the student's IEP team. IEP teams always begin these discussions keeping in mind the principle of Least Restrictive Environment (LRE). File review data from the Oliver Mercer Special Education Unit's Self-Assessment Team indicated that of 149 files reviewed, 140 files (94%) were found to contain adequate justification of LRE including participation in general education.

The Oliver Mercer Special Education Unit Self-Assessment surveys included: questions for administrators, professional and paraprofessional staff, parents, and students to respond to items that addressed the issues and philosophy of least restrictive environment. When administrators were asked if "Students with disabilities are provided with similar content area curriculum as non-disabled students of the same age/grade," 100% of responses were rated as "Agree". When

asked if "I have high expectations for students with disabilities and expect them to achieve commensurate with the general education peers", 83% of the administrators responded with "Agree". Ninety-nine percent (99%) of the parents completing the survey indicated that their child "was being taught similar grade level curriculum as that being taught to students who do not have disabilities of the same age and grade". Although the parent survey did not specifically address parent satisfaction with the extent of time their child is included in the general education setting, other indexes of parent satisfaction were used to generalize their perceptions of LRE. The parents reported being satisfied with the education program provided to their child (99%), parents understand and participate in the IEP process (100%) and parents think the "teachers set challenging goals and have high expectations for my child (96%)". When students were asked if they agreed with the statement "I feel that I am welcome in my school and am treated respectfully" 88% expressed agreement. Ninety percent (90%) of the students agreed that "My teachers set challenging goals and have high expectations for me" and 90% expressed satisfaction with the special educational services they were receiving.

The NDDPI monitors reviewed the Individualized Educational Programs (IEP) of 17 students served through the Oliver Mercer Special Education Unit to examine the adequacy of the documentation of the planning process for deriving at the LRE for each student placed in special education. Additionally, interviews were conducted with teachers and administrators to verify the use of a team decision-making process in determining the LRE for each child.

The review of 18 student files indicated adequate justification of LRE. The Oliver Mercer Special Education Unit student files were in significant compliance for each of the following LRE standards:

- Supplementary services are provided in conjunction with general education placements 100%,
- Evidence the child is educated in the neighborhood school unless other arrangements are identified by the IEP team 100%,
- Child's placement is based on the IEP 94%,
- The child is educated with children who are non-disabled 100%,
- Removal from general education environment occurs only when determined necessary by the IEP team 100%,
- Evidence that school/classes attended are age appropriate 100%,
- LRE contains sufficient documentation in justification section of reasons LRE options were chosen and other options rejected 100%,
- Participation in general education is indicated 100%.

Twelve educators and administrators were interviewed during the NDDPI Verification Review. When asked to describe the LRE planning processes, the majority of respondents reported a process that used a team approach that considered the least restrictive learning environment in which the outcomes selected for the child could be adequately addressed. There were no concerns expressed by either the educators or the administrators about the willingness of the general education teachers to work with students with disabilities and to adapt the general education curriculum to meet the needs of all students. However, it is interesting to note the disparity in the response to the question, "General education staff modify and adapt general education curriculum to meet the needs of students with disabilities in their classroom".

Seventy-six percent (76%) of the special education teachers and ninety-five percent (95%) of the general education teachers agreed with the survey, while 100% of the administrators indicated agreement to the same item.

NDDPI reviewed and analyzed the data and identified the following strengths and suggestions for improvement.

STRENGTHS

The Oliver Mercer Special Education Unit has made significant progress in addressing the educational needs of students with disabilities in the least restrictive learning environment. Remarkable progress has been made indicating the high priority placed on LRE by the administration of the Oliver Mercer Special Education Unit. Students with varying ability levels have a continuum of services available to them that enhances the availability of placement in the least restrictive area. The use of Educational Strategists has been encouraged to enable more students with mild disabilities to be served in their home school districts or neighborhood schools. Additionally, special education staff members report that there have been great gains in the collaborative efforts between general education and special education teachers over the course of the past five years.

Excluding the area of harmful effects, the documentation of the LRE planning process was excellent across all IEPs reviewed. Evidence that the child was educated with children who are not disabled and the level of participation in the general education curriculum were consistently included in all IEPs. When parents were asked if their child "is regularly involved with students who do not have disabilities in school activities . . ." 100% agreed with that statement.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

Even though there have been great gains in the collaborative efforts between general education and special education personnel over the past five years, additional training addressing responsibilities and strategies for modifying and adapting the general education curriculum will be beneficial. The staff members employed in the school districts served by the Oliver Mercer Special Education Unit would also benefit from training on documenting the assurances for educating students with disabilities in the least restrictive learning environment. During interviews, the staff knowledge of the procedure for documenting potential harmful effect was questionable. All of the files reviewed had checked the item as "no" for the consideration of potential harmful effects. The intent is to identify any potential harmful effect for any removal from general education and then to design proactive steps to minimize the anticipated potential harmful effect. The staff members who were interviewed by the NDDPI Monitoring Team were not able to express this concept.

V. PARENT INVOLVEMENT

Parents have the right to have access to their child's educational records. Parental consent is required for initial evaluation, reevaluation, and placement. Parents must be included in IEP team decisions, and parents must be notified of their right to appeal.

The Oliver Mercer Special Education Unit Self-Assessment Team utilized surveys with parents to determine the parents' knowledge of the IDEA regulations and their comfort level in exercising their rights under the IDEA. One hundred and eleven parents were surveyed, using the state recommended form. When asked if they agreed with the statement, "I am asked to participate in the development of my child's Individualized Education Program," 100% of the parents responded affirmatively. One hundred percent (100%) of the parents agreed that they understand what is discussed at the IEP meetings, and feel comfortable asking questions and expressing concern when needed. Ninety-nine percent (91%) of the parents agreed with the item, "I feel that I am welcome in my child's school and I am treated with respect".

The Oliver Mercer Special Education Unit's Self-Assessment Team's *Student Survey* contained questions on the student's perception of their level of participation in their educational program. When asked if they feel "welcome in my school and am treated with respect, 88% of the students agreed. Students agreed 94% of the time to the statement "I am asked to participate in the development of my IEP". Ninety percent (90%) of the students agreed with the statement, "I am satisfied with the educational services I am receiving".

The NDDPI reviewed eighteen IEP files for parent involvement. Parents were in attendance at the meeting to discuss the IEP in 18 out of 18 applicable cases, indicating a 100% participation rate. The documentation of their contributions in the IEP document was found in only seventy-five percent (75%) of the Present Levels of Educational Performance. Students were in attendance at the IEP meetings involving transition in nine out of ten cases, indicating a 90% participation rate.

Student participation in the IEP, for students age 14 and older, was documented in 9 out of 10 cases, indicating 90% compliance. However, on only two prior notices were students' names listed as invitees to the IEP meeting. As students have good participation in the transition IEPs, it is assumed that the case manager is inviting the student to the meeting. It is further noted, that student preferences and interests were documented in 10 out of 10 (100%) of the IEPs reviewed.

The NDDPI reviewed the Oliver Mercer self-study to further examine parent participation and found the following:

- Parent prior written notice in 66 of 82 files (80%), and
- Parent involved in assessment planning in 29 out of 82 files (35%).

In addition to the limited number of parents involved in assessment planning, only forty-one of eighty-two reports contained an Integrated Written Assessment Report (IWAR). The NDDPI team reviewed eight files specifically for parent involvement and found similar results with five out of eight files to have an IWAR, and in many cases the components of the IWAR were inadequately addressed. As suggested earlier, it seems that parents are very involved in the IEP team meetings, however to be much less involved in the assessment process.

NDDPI reviewed and analyzed the data and identified the following suggestions for improvement.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

Parent Participation

34 CFR 300.345 requires that one or both of the parents of a child with a disability are present at each IEP meeting or are afforded the opportunity to participate. The NDDPI monitors noted that the parent was present at most IEP meetings, however only 35% of the time did parents attend meetings to discuss assessment results. Staff interviewed indicated that parents are invited to participate from the referral for evaluation through the evaluation process and feel that parents are active members of the IEP teams. However, as indicated earlier in this document, there is limited documentation of parent participation in the review of the assessment findings.

NDDPI strongly encourages the Oliver Mercer Special Education Unit to continue to offer information and training opportunities to families of children with disabilities. Parental involvement has long been recognized as an important indicator of a school's success and parent involvement has positive effects on children's attitudes and behavior. Partnerships positively impact achievement, improve parent attitudes toward the school, and benefit school personnel as well. Although overall parent satisfaction appears high based on the survey results, it must be remembered that the qualitative data gathered through the interview process indicated that many parents "might just trust the school" to make the right assessment decisions for their child. The Oliver Mercer Special Education Unit must strive towards more parent participation during the assessment process.

Training for the special education teachers in methods for documenting parent and student input into the assessment plans, IEPs, and transition planning process would be very beneficial. Although the Oliver Mercer Special Education Unit demonstrated a significantly high rate of parent attendance at meetings, the actual contributions made by parents and students was not adequately communicated in the written documents.

Although overall parent satisfaction appears very high based on the survey results, it must be remembered that the survey sample was limited. One teacher interviewed supported the concept that parents always attend IEP meetings, however, typically provide less input than desired. When asked as to why this might be, the teacher commented, "I think our parents just trust us to do what is right".

VI. PROCEDURAL SAFEGUARDS

Procedural safeguards, which ensure the fairness of educational decisions, include impartial due process hearings, the right to an independent educational evaluation, written notification to parents explaining their rights, parent consent, and appointment of surrogate parents, when needed.

Student records are managed with regard to content, maintenance, security, and disclosure. The special education records are now maintained in each school building of attendance. Of the sixty-four files reviewed by the Oliver Mercer Special Education Unit Self-Assessment Team, 100% indicated limited access notices were posted appropriately and sixty-three of sixty-four files (99%) had the record locator in the file. Additionally, in ninety-seven percent of the cases, the Record of Inspection was filled out appropriately.

Due Process Procedural Safeguards are explained to parents fully. Parents are provided with a copy of the parents' rights booklet on at least a yearly basis, concurrent with the annual IEP review.

The Oliver Mercer Special Education Unit Self-Assessment Report identified five out of six areas of procedural safeguards that were determined to be at 90% compliance or higher including:

- File found in secured location (100%),
- Limited access notice was posted (100%),
- Record of inspection was in the files (97%),
- Record of inspection completed correctly (97%),
- Record locator was in file (99%),
- File contained information for only one child (100%),
- Parent consent for placement (100%).

File reviews conducted by the Oliver Mercer Special Education Unit Self-Assessment Team indicated 66 out of 82 (80%) Parent Prior Notices for the IEP meeting were found in the files. Of the 111 parents who completed parent surveys, 100% reported that they agreed with the statement "I received notices and information from the school in my preferred language".

The NDDPI monitors reviewed the special education records of 18 students served through the Oliver Mercer Special Education Unit. The file review found that parents attended each of the annual IEP review meetings.

NDDPI reviewed and analyzed the data and identified the following strengths and suggestions for improvement.

STRENGTHS

The Oliver Mercer Special Education Unit has a comprehensive method for file organization in place that allows for quick access to specific component parts. The NDDPI Team found this file organization structure to be very helpful during the file reviews.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

NDDPI strongly recommends that the Oliver Mercer Special Education Unit expand the current internal monitoring procedures by training additional Unit personnel to participate in the process. The practices currently used appear to be very effective in assuring that the required procedural safeguards are being implemented, however, by increasing the personnel in the internal monitoring process, the Unit will also increase its effectiveness. Thus, the Unit will increase its potential to self-identify and correct problematic areas.